



Case Title: Training for Contractor Personnel Interacting with Detainees (DFARS Case 2005-D007)

- ▶ **Type: Final Rule Published 9/8/06**
 - Received one response on the interim rule published 9/1/05
- ▶ **Source: Section 1092, National Defense Authorization Act
for
FY 2005 (Pub. L. 108-375)**
- ▶ **Synopsis:**
 - **DoD contractor personnel who will interact with detainees must receive training regarding treatment of detainees.**
 - **The Combatant Commander responsible for the area where the detention or interrogation facility is located will arrange for the required training.**

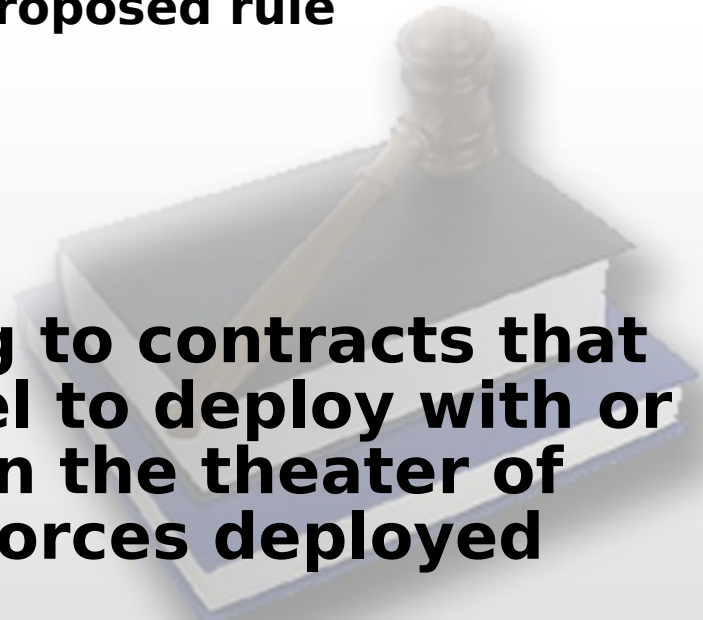




Case Title: Contractor Personnel Supporting a Force

**Deployed outside the United States
(DFARS Case 2003-D087)**

- ▶ **Type:** Final rule effective 6/6/05 (published 5/5/05)
-26 respondents to the proposed rule
- ▶ **Source:** DoD Policy
- ▶ **Synopsis of rule:**
 - **Provides DoD policy relating to contracts that require contractor personnel to deploy with or otherwise provide support in the theater of operations to U.S. military forces deployed outside the United States.**
 - **New clause at 252.225-7040, Contractor Personnel Supporting a Force Deployed outside the United States.**





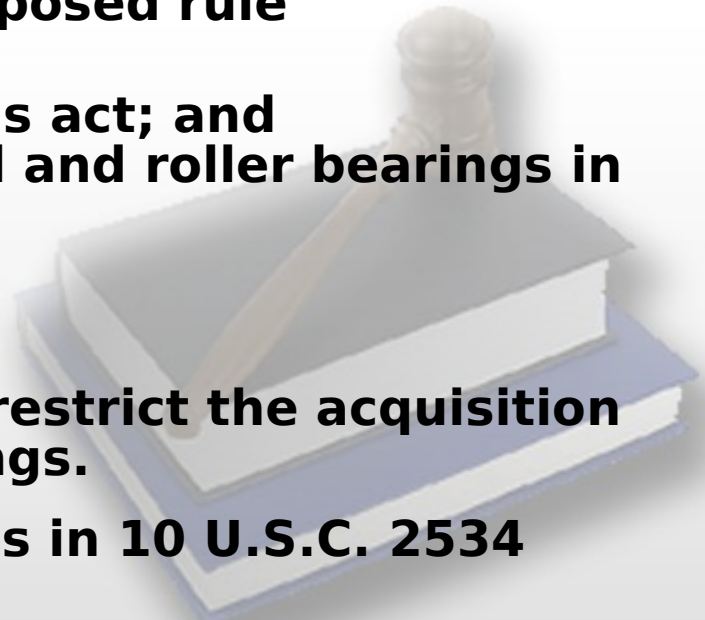
Case Title: Contractor Personnel Authorized to Accompany U.S. Armed Forces (DFARS Case 2005-D013)

- ▶ **Type:** Interim rule published 6/16/2006
-8 respondents to the interim rule
- ▶ **Source:** DoDI 3020.41, Contractor Personnel Authorized to Accompany the U.S. Armed Forces (10/3/05)
- ▶ **Synopsis of rule:**
 - **Revised the final rule under 2003-D087 to—**
 - **Implement final version of DODI 3020-41;**
 - and**
 - **Conform to FAR proposed rule 2005-011.**
 - **Significant concerns of respondents: Contractor use of deadly force; Force protection by Government; Contractor acceptance of risk and liability for use of any weapon by contractor personnel.**



Case Title: Acquisition of Ball and Roller Bearings (DFARS Case 2003-D021)

- ▶ **Type:** Final rule published 3/21/2006
 - 8 respondents to the proposed rule
- ▶ **Source:** Annual defense appropriations act; and
Expiration of the restrictions on ball and roller bearings in
10 U.S.C. 2534.
- ▶ **Synopsis of rule:**
 - Annual defense appropriations acts restrict the acquisition of nondomestic ball and roller bearings.
 - Similar (but not identical) restrictions in 10 U.S.C. 2534 expired on October 1, 2005.
 - The final rule removes the exceptions and waiver procedures that were imposed by 10 U.S.C. 2534.
- ▶ DFARS Case 2006-D029 has been opened to consider further changes to the restriction.





Case Title: Prohibition on Acquisition from Communist Chinese Military Companies

(DFARS Case 2006-D007)

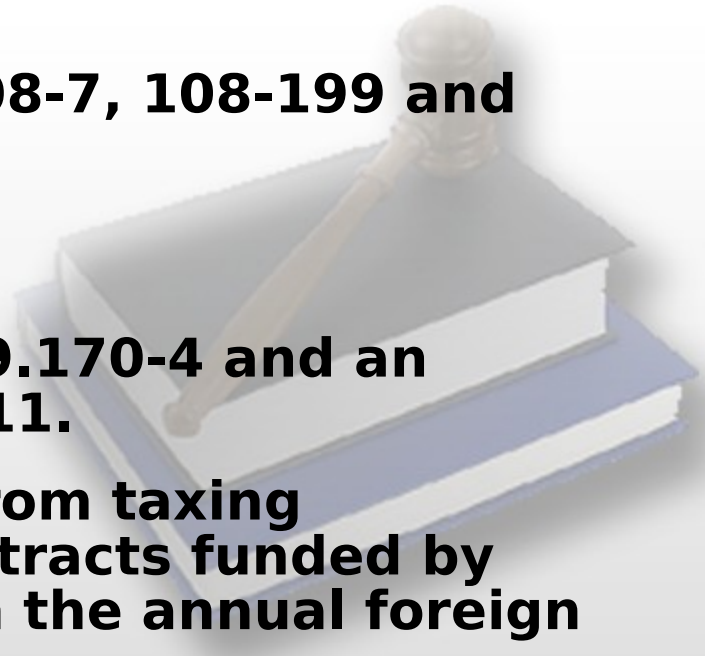
- ▶ **Type:** Interim rule published 9/8/2006
 - Public comment period closes 11/7/2006
- ▶ **Source:** Section 1211 of the National Defense Authorization Act for FY 2006 (Pub. L. 109-163).
- ▶ **Synopsis of rule:**
 - **Prohibits DoD from acquiring U.S. Munitions List items from Communist Chinese military companies.**
 - **Does not apply to components and parts of covered items unless the components and parts are themselves covered by the U.S. Munitions List.**
 - **Exceptions: Supplies or services acquired—**
In connection with a visit to the People's Republic of China by a vessel or an aircraft of the U.S. armed forces;
for testing purposes; or for the purposes of gathering intelligence.





Case Title: Prohibition on Foreign Taxation on U.S. Assistance Programs (DFARS Case 2004-D012)

- ▶ **Type:** **Final rule published & effective 4/12/06**
 - No comments received on the interim rule published and effective on 9/30/05
- ▶ **Source:** **Statutory (Pub. L. Nos. 108-7, 108-199 and 108-447)**
- ▶ **Synopsis:**
 - **Added Sections 229.170 thru 229.170-4 and an associated clause at 252.229-7011.**
 - **Prohibits foreign governments from taxing commodities acquired under contracts funded by U.S. assistance appropriations in the annual foreign operations appropriations act.**





Case Title: Incentive Program for Purchase of Capital Assets Manufactured in the United States

▶ **Type:** Final rule published 3/21/2006
(DFARS Case 2005-D063)
-6 respondents to the interim rule

▶ **Source:** Sec. 822 of the National Defense Authorization Act for
FY 04 (Pub. L. 108-136)

▶ **Synopsis of rule:**

- **Establish an incentive program for contractors to purchase capital assets manufactured in the United States for major defense acquisition programs.**
- **Provide consideration for offers with eligible capital assets in source selections for major defense acquisition programs.**





Case Title: Berry Amendment— Notification Requirement (DFARS Case 2006-D006)

- ▶ **Type:** Interim rule published 10/4/2006
 - Comment period will close on 12/4/2006.
- ▶ **Source:** Section 833(a) of the National Defense Authorization Act
for FY 2006 (Pub. L. 109-163)
- ▶ **Synopsis of rule:**
 - **Must post a notice on FedBizOps within 7 days after award of contract exceeding the simplified acquisition threshold for the acquisition of—**
 - o **Certain clothing fiber, yarn, or fabric items, when DoD has determined that adequate domestic items are not available; or**
 - o **Chemical warfare protective clothing, when acquiring from a qualifying country.**



Case Title: Berry Amendment Exceptions— Acquisition of Perishable Food, and Fish, Shellfish, or Seafood

▶ **Type:** Interim rule published 6/16/2006
(DFARS Case 2006-D005)
-No responses to the interim rule

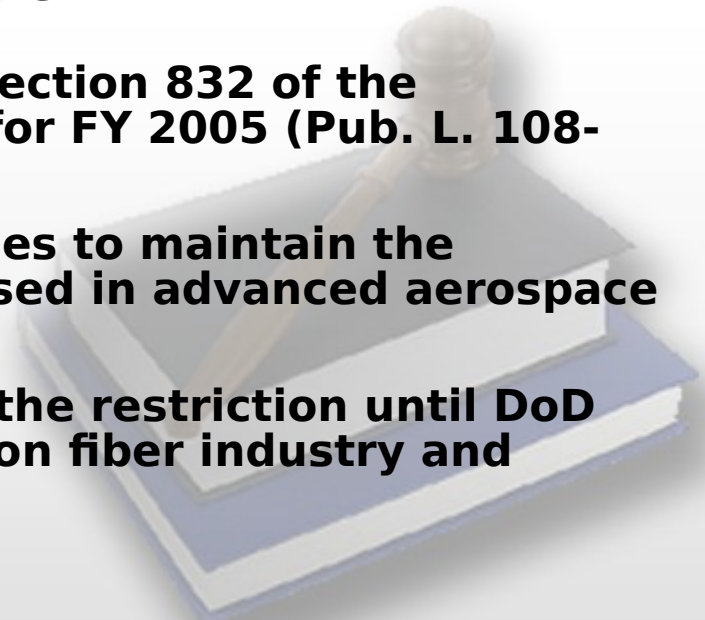
- ▶ **Source:** Section 831 of the National Defense Authorization Act of FY 2006 (Pub. L. 109-163); and Sec 8118 of the Defense Appropriations Act for FY 2005 (Pub. L. 108-287)
- ▶ **Synopsis of rule:** Amends two exceptions to the Berry Amendment, which requires DoD to acquire certain items from domestic sources.
- **Sec 831:** Expands the exception that permits the acquisition of non-domestic perishable foods by activities located outside the U.S., to also permit acquisition of such foods by activities that are making purchases for activities located outside the U.S.
 - **Sec 8118:** Established a permanent requirement for the acquisition of domestic fish, shellfish, or seafood, including fish, shellfish, or seafood contained in foods manufactured or processed in the U.S.



Case Title: PAN Carbon Fiber -Restriction to Domestic

Source (DFARS Cases 2004-D002)

- ▶ **Type:** Final rule published 2/7/2005
 - No responses to the proposed rule
- ▶ **Source:** Request of aerospace industry and Section 832 of the National Defense Authorization Act for FY 2005 (Pub. L. 108-375)
 - Industry requested time for U.S. companies to maintain the capability to support a critical material used in advanced aerospace weapons programs.
 - Sec 832 required a delay in phase-out of the restriction until DoD performs an assessment of the PAN-Carbon fiber industry and submits the report to Congress.
- ▶ **Synopsis of rule:**
 - Extended the ending date for phasing out domestic source restrictions on the acquisition of PAN-carbon fiber from May 31, 2005, to May 31, 2006.
- ▶ **Currently processing DFARS Case 2006-D033, PAN-Carbon Fiber—Deletion of Obsolete Restriction.**





Case Title: Reporting Contract Performance Outside the United States (DFARS Case 2004-D001)

- ▶ **Type: Final rule published 4/22/2005**
 - 1 response to the proposed rule**
- ▶ **Source: DoD - Clarification.**
DFARS had merged two separate requirements:
 - DoD policy for contractor reporting of performance outside the U.S. under contracts exceeding \$500,000.**
 - 10 U.S.C. 2410g requirement for offerors and contractors to notify DoD of any intention to perform a DoD contract outside the U.S. and Canada, when the contract exceeds \$10 million and could be performed in the U.S. or Canada.**
- ▶ **Synopsis of rule:**
 - Separates out the two reporting requirements in the text and creates two separate clauses to implement, instead of one.**